

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUWLUS A. MUHAMMAD, Petitioner, v. VENCENT KANNRINE, et al., Respondents.	} } } } } } }	Civil Action No. 07-22 Erie
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MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on February 9, 2007. The case was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on May 29, 2008, recommends that the Defendants' Motion to Dismiss [26] be granted and that the portion of the petition for writ of habeas corpus challenging the legality of Petitioner's detention in Erie County Prison be dismissed as moot. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail, and on Respondents. Petitioner has filed no objections to Chief Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24th day of June, 2008;

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss [26] be, and hereby is, GRANTED and that those claims challenging the legality of Petitioner's detention in Erie County Prison be dismissed as moot. In accordance with this

Memorandum Order, Defendant "Marshall Bill" of the U.S. Marshal Service is hereby dismissed from this lawsuit.

IT IS FURTHER ORDERED that Petitioner's habeas claims contesting the validity of his November 2004 judgment of sentence on his state conviction of Terroristic Threats will be addressed once the Petitioner's pending PCRA proceeding concludes.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on May 29, 2008 [36] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge